

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

HANNAH MARISSA WRIGHT,
Plaintiff,

vs.

JOHN BUNNING TRANSFER CO., INC.
AND STEVE AUSTIN BEHRMAN
Defendants

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CIVIL ACTION NO. 5:22-cv-933
JURY REQUESTED

DEFENDANTS’ NOTICE OF REMOVAL OF CIVIL ACTION

COMES NOW Defendants JOHN BUNNING TRANSFER CO., INC. and STEVE AUSTIN BEHRMAN, and file this Notice of Removal, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

1. The Plaintiff, Hannah Marissa Wright (“Plaintiff”), filed the Plaintiff’s Original Petition on August 15, 2002, and Plaintiff’s First Amended Petition on August 17, 2022 in the Bexar County District Court which is within the Houston Division of the United States District Court for the Southern District of Texas. The case carries the style of: Cause No.: 2022CI15546; *Hannah Marissa Wright v. John Bunning Transfer Co., Inc. and Steve Austin Behrman*; In the 407th Judicial District Court of Bexar County, Texas. Under 28 U.S.C. § 1446(a), removal to this Division of this District is proper.

2. In the Original Petition and First Amended Petition Plaintiff allege that on or about October 19, 2021, Plaintiff and John Bunning Transfer Co., Inc.’s driver Steve Austin Behrman were involved in a motor vehicle accident in Bexar County, Texas. Plaintiff claims to have sustained personal injuries and damages and is seeking to recover for (a) disabling injuries, (b) physical pain and suffering, (c) past and future mental anguish, (d) past and future impairment, (e) medical

expenses, (f) past and future lost wages and loss of earning capacity; (g) past and future diminution of enjoyment of life, (h) pre-judgment and post-judgment interest as allowed by law, and (i) all other relief the Court deems appropriate. The Plaintiff's Original Petition and First Amended Petitions allege a monetary relief over \$1,000,000.00 (Exhibits A and B, Section VI, ¶ 6.1).

3. A copy of Plaintiff's Original Petition is attached hereto as Exhibit "A." A copy of Plaintiff's First Amended Petition is attached hereto as Exhibit "B."

4. As of the date of this Notice of Removal, Plaintiff has not effectuated service on John Bunning Transfer Co., Inc. or Steve Austin Behrman. However, on or about August 22, 2022, an Original Answer was filed on behalf of John Bunning Transfer Co., Inc. and Steve Austin Behrman, a copy of which is attached hereto as Exhibit "C." Defendants served a copy of said Answer upon counsel for the Plaintiff in this Action by both E-Service and e-mail transmission.

5. Plaintiff is an individual and a resident and citizen of the State of Texas.

6. John Bunning Transfer Co., Inc. is a corporation incorporated in the State of Wyoming with its principal place of business in Rock Springs, Wyoming, 28 U.S.C. § 1332(c)(1).

7. Steve Austin Behrman is an individual and a resident and citizen of the State of Wyoming.

8. This Notice of Removal is also therefore filed within 30 days after receipt by Defendant of a copy of the Petition in compliance with 28 U.S.C. § 1446(b).

9. The Action is one which may be removed to this Court by the Defendant pursuant to 28 U.S.C. §§ 1441 and 1446, and over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332, in that diversity of citizenship exists between the Plaintiff and the Defendant hereto, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

10. Removal is not barred by 28 U.S.C. § 1445.

11. Pursuant to 28 U.S.C. § 1446(a), Defendants have attached hereto: an Index of Documents being filed as **Exhibit D**; a copy of the state court docket sheet as **Exhibit E**; and a list of all counsel of record as **Exhibit F**.

12. All pleadings, process, orders, and other filings in the state court action are attached to this notice as required by 28 U.S.C. §1446(a).

13. Venue is proper in the Western District under 28 U.S.C. §1441(a) because the state court where the action has been pending is located within this District.

14. Defendant will promptly file a copy of this Notice of Removal with the Clerk of the state court where the action has been pending.

15. Defendant demanded a jury in the state court action.

16. On or about the date of this filing, Defendants served upon counsel for the Plaintiff a copy of the “Defendants’ Notice of Removal of Civil Action.”

REQUEST FOR HEARING AND JURISDICTIONAL DISCOVERY

17. If Plaintiff contests this removal, Defendants request:

- (a) a hearing regarding this Court’s jurisdiction over, and the propriety of removal of this matter; and
- (b) leave to conduct limited discovery related to issues surrounding the existence of diversity jurisdiction.

WHEREFORE, Defendant JOHN BUNNING TRANSFER CO., INC. and STEVE AUSTIN BEHRMAN, by counsel, request that this Court remove the action from the Bexar County District Court to The United States District Court for the Western District of Texas, San Antonio Division.

Respectfully submitted,

BAIR★HILTY, P.C.

/s/Amanda S. Hilty

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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per S. Dist. Tex. Loc. R. LR5.1 on the 26th day of August, 2022. A true and correct copy of the foregoing Defendants' Notice of Removal was served upon counsel of record in compliance with the Federal Rules of Civil Procedure by e-service, e-mail, certified mail, return receipt requested, telephonic communications, hand delivery and/or U.S. Mail on this the 26th day of August, 2022.

/s/ Amanda S. Hilty

AMANDA S. HILTY